

Brennan Punderson & Donahue, PLLC

ATTORNEYS AT LAW

Kevin T. Brennan, Esq.

Ebenezer Punderson, Esq.

Joan Donahue, Esq.

VIA EMAIL (smantegna@richmondvt.gov)

September 8, 2020

Suzanne Mantegna
Town of Richmond
P.O. Box 285
Richmond, Vermont 05477

Re: Appeal of Donald and Laurel Palmer, Trustees of the Palmer Family Trust

Dear Suzanne:

Enclosed herewith, please find a letter from Evan Fitzgerald of Fitzgerald Environmental Associates, LLC relative to the proposed driveway, its impacts on the wetland, and State permitting thereof for the above referenced appeal scheduled for September 9, 2020.

It has recently come to our attention that the Richmond DRB, at its July, 2020 hearing, granted provisional approval for a driveway through a Class II wetland in Application of Cheryl and Brian Dowd and Kevin Down, 2020-095. As in the Dowd/Downs matter, no "roadway" is being "constructed" for purposes of the Town's Zoning Regulation 6.9. Additionally, and as in the Dowd/Downs matter, the driveway the Palmers seek to improve does not fall within Richmond Zoning Regulation 6.9 since the driveway is preexisting and is not being "constructed". For many years, the existing driveway crossed through the wetlands providing the Palmers unlimited access to and from their Hinesburg lands.

In 2012, the Palmers further improved the road to conduct forestry operations that included ingress and egress for heavy logging vehicles and equipment to and from the Palmer's forest located on Hinesburg lands. As a result, the current driveway requires only minimal additional improvements in order to obtain a State wetland permit.

Should you have any questions, please feel free to call.

Sincerely,

Brennan Punderson & Donahue, PLLC

By: 

Kevin T. Brennan, Esq.

kevin@bpd.legal

Encl.

cc: Donald F. Palmer and Laurel J. Palmer, Trustees (via email)

TO REPLY:

KEVIN: Monkton P.O. Box 8, 1317 Davis Road, Monkton, Vermont 05469 Phone 802.453.8400 Fax 802.453.8411

EBEN & JOAN: Middlebury The Marbleworks, 99 Maple Street, Suite 10B, Middlebury, Vermont 05753 Phone 802.989.7342 Fax 802.989.7623